

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 791 of 2019

- Samsad Alam S/o Mohd. Manjoor Alam Aged About 22 Years R/o Village Mahsub, Post Office Bashdiha, Police Station Nabi Nagar, District Aurangabad Bihar Present R/o Pali, Tahsil Katghora District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/02/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 480/2018, registered at Police Station –Dharsiwa, District- Raipur (C.G.) for the offence punishable under Section 420 & 407/34 of the IPC.
2. As per prosecution story, on 07/11/2018 Complainant Ajay Sharma, AGM of one S.K.S. Ispat Power Ltd., Siltara made a report to the effect that KD Transport Dipka was engaged to transport coal from Dipka Coal Mines. On 03/11/2018 coal was loaded in two trucks bearing registration No. CG/04/JC/1121 (loaded 31.380 MT) & CGF/04/JB/0921 (loaded 31.160 MT) which were sent from Dipika Coal Mines, Korba to S.K.S. Ispat

Power Ltd., Siltara, Raipur. The Applicant is the driver of truck bearing registration No. CGF/04/JB/0921 (loaded 31.160 MT). It was further alleged that after weighting the aforesaid trucks, it was found that the quantity of loaded coal was on lesser side. It was disclosed by the truck driver/present applicant that he along with the other co-accused person committed theft of the said shortened coal which was in the loaded truck. On the basis of the said, offence has been registered. The Applicant has been arrested on 09/11/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the other co-accused namely Madan Singh Rajput has already granted benefit of bail by this Court vide order dated 15.01.2019, passed in MCRC No. 9348/2018 and Noor Ansari granted benefit of bail by the Sessions Court itself. The Applicant is in jail since 09/11/2018 and trial will take time, therefore, he may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the other co-accused namely Madan Singh Rajput has already granted benefit of bail by this Court vide order dated 15.01.2019, passed in MCRC No. 9348/2018 and Noor Ansari granted benefit of bail by the Sessions Court

itself. The Applicant is in jail since 09/11/2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge